

REMARKS

Claims 1-20 are pending in the current application. In an Office Action dated August 28, 2002, the Examiner rejected claims 1-5 and 7-20 under 35 U.S.C. §103(a) as being unpatentable over Winsky et al., U.S. Patent No. 5,739,451, and conditionally allowed claim 6. Applicants' representative wishes to thank the Examiner for the conditional allowance of claim 6, but defers rewriting claim 6 until the Examiner has had a chance to review the arguments, below. Applicants' representative respectfully traverses the 35 U.S.C. §103(a) rejections of claims 1-5 and 7-20.

Claim 1 of the current application includes the following elements that specifically mention a playlist: (1) "a display to display data comprising a *playlist* indicating music from data files to be played; (2) an input device operable by the user to select identification data associated with desired music data files for the *playlist*; and (3) a processor responsive to the input device to select the music data files for the *playlist* based on the user-selected identification data. Independent claim 12 similarly includes two elements that specifically mention the playlist, and independent claim 18 also includes two elements that specifically mention the playlist. The term "playlist" is first introduced in the detailed description of the invention on line 4 of page 3. Beginning at the end of line 5 on page 3, the current application describes a "jukebox manager [that] provides a user with a quick, flexible tool to organize music into playlists. ... the system supports different play file formats and allows a user to generate or edit a playlist regardless of the format of the data file." Beginning on line 16 of page 9, the current application discusses playlists, playlist editing, playlist creation, and other playlist-related features and capabilities of the claimed system and method. As discussed beginning on line 20 of page 9, a user "may simply activate the playlist to play musical tracts in the predetermined sequence shown in the playlist by pressing the selection control button 174." In summary, the current claims are directed to system and methods for control of music selection in hand-held portable multi-media devices based on playlists.

According to MPEP § 2143:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the

knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

Winsky does not teach, disclose, mention, or suggest playlists or playlist-based interfaces for music-playing devices. Instead, Winsky discloses a hand-held electronic music encyclopedia which stores snippets and selections of various songs, and provides an interface to allow a user to attempt to identify one particular song based on a title, lyrics, relative note or pitch values, and other such information. In rejecting claims 1, 12, and 18, in section 2 of the Office Action, the Examiner points to display device 16 in Figure 3 of Winsky as teaching or suggesting "a display to display data comprising a playlist indicating music data files to be played." Display screen 16 of Figure 3 of Winsky is simply a display screen. There is nothing in Winsky to indicate that this display screen displays playlists. The Examiner points to an input device 14 in Figure 3 and lines 60-64 of column 4 to teach or suggest "an input device operable by the user to select identification data associated with desired music data files for the playlist." Input device 14 in Winsky is simply a keyboard. Lines 60-64 of column 4 discuss a display control module 58 and note structure comparator 62. The comparator 62 "is connected at an input to keyboard 14 for receiving therefrom note structure data input by user for purpose of researching and ultimately identifying a song." Neither the keyboard nor the comparator teach, disclose, mention, or suggest anything at all related to a playlist. Winsky's device does not play songs from a playlist, and, in fact, does not store complete songs. It is not intended as an audio-rendering device for playing musical selections to user, such as an iPod® or Walkman®. Instead, it provides an interface for searching for, and identifying, a particular song. Winsky neither discusses nor discloses any feature, method, or component that allows a user to select a predetermined sequence of songs for play. For example, in the abstract of Winsky, Winsky states that:

A user actuated selection component is operatively connected to the first memory portion of the database and to the display for permitting operator selection of *a song* from a list of song titles shown on the display and inducing display of the lyrics stored in the first memory portion for the selected song. In

addition, a user actuated audio production element provided on the platform is operatively coupled to selection component and the database for enabling an audible reproduction of the segment stored in the second memory portion for *the selected song*. (emphasis added)

Selecting a particular song from a list of song titles does not constitute selecting a playlist. Moreover, careful reading of claim 1 reveals that, as carefully described in the current application, a playlist indicates music data files to be played.

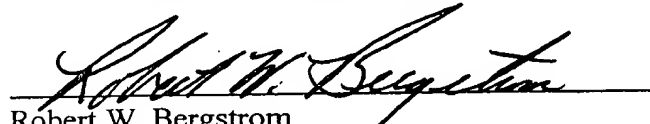
In summary, the currently claimed system and method is a playlist-based system and method for allowing a user to create and edit playlists and to select a playlist, thereby selecting audio reproduction of a sequence of songs represented by the playlist. Playlists are explicitly recited in all three independent claims. Winksy neither teaches, discloses, suggests, or mentions playlists, a device that plays a sequence of songs represented by playlists, or anything else related to playlists. Thus, the Examiner has failed to make a *prima facie* case for obviousness.

In Applicants' representative's opinion, all of the claims remaining in the current application are clearly allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,

Mark E. Phillips et al.

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Robert W. Bergstrom

Registration No. 39,906

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Olympic Patent Works PLLC  
P.O. Box 4277  
Seattle, WA 98194-0277  
206.621.1933 telephone  
206.621.5302 fax